

**STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
BOARD MINUTES**

Friday, June 15, 2001, 9:00 a.m.
Embassy Suites Austin North
5901 North IH 35, Board Room 830
Austin, Texas 78744
(512) 834-6627

The following members were present on Friday, June 15, 2001, for the Board meeting:

Bertha Moore Campbell, M.A.	Harvey Komet, M.D.
Elsa Cardenas-Hagan, M.A.	Matthew H. Lyon, M.A.
Deborah L. Carlson, Ph.D.	Lee Reeves, D.V.M.
Judith A. Chambers, M.Ed.	Cheryl L. Sancibrian, M.S.

The following member was not present:

R. Eric Reynolds, Au.D.

The following Department staff was in attendance:

Lanell Brown	David Richards
Dorothy Cawthon	

CALL TO ORDER:

Ms. Cardenas-Hagan, the Board's Presiding Officer, called the meeting to order at 9:05 a.m.

MINUTES:

Ms. Cardenas-Hagan asked that members review the minutes of the Board meeting held January 12, 2001, and the reports of the forums held at the Texas Speech-Language-Hearing Association Convention on February 22, 2001. **Doctor Reeves moved to adopt the minutes as corrected, Doctor Carlson seconded, and the motion carried. Ms. Chambers moved to adopt the reports of the two forums as written, Ms. Campbell seconded, and the motion carried.**

COMMITTEE REPORTS:

COMPLAINTS:

Ms. Chambers reported on the meeting held June 14, 2001. The Committee approved the report of the January 11, 2001, meeting; closed six complaints with letters of advisement; closed one complaint because the issue had been resolved; agreed to send two Notice of Violation letters; recommended the Board issue ten reprimands, acceptance of four Letters of Agreement, and approve the Agreed Order signed by E.W.; and considered possible changes to the Texas Occupations Code and the Board Rules.

Case number 01-SA-0012: Ms. Chambers moved that the Board approve an Agreed Order if the respondent signs the order, Doctor Reeves seconded, and the motion carried.

Case number 01-SA-0021: Ms. Chambers moved that the Board approve an Agreed Order if the respondent signs the order, Ms. Sancibrian seconded, and the motion carried.

Case number 01-SA-0007: Ms. Sancibrian moved to issue reprimands to both the respondent and the supervisor, Doctor Reeves seconded, and the motion carried.

Case numbers 01-SA-0014, 01-SA-0016, 01-SA-0019, and 01-SA-0024: Mr. Lyon moved to issue reprimands to the respondents who continued to practice beyond the grace period with invalid licenses; Ms. Campbell seconded, and the motion carried.

Case numbers 01-SA-0015, 01-SA-0017, and 01-SA-0025: Ms. Chambers moved to issue reprimands and accept the Letters of Agreement to the respondents who failed to either earn or maintain proof of having earned the required continuing education hours for license renewal, Ms. Campbell seconded, and the motion carried.

Case number 01-SA-0018: Ms. Chambers moved to issue a reprimand and accept the Letter of Agreement to the respondent for a second violation of continuing to practice beyond the grace period with an invalid license, Ms. Sancibrian seconded, and the motion carried.

Ms. Chambers moved that the Board adopt the report, Mr. Lyon seconded, and the motion carried.

SPEECH-LANGUAGE PATHOLOGY SCOPE OF PRACTICE:

Ms. Sancibrian reported on the meeting held June 14, 2001. The Committee approved the report of the January 11, 2001, meeting; recommended the Board approve the Guidelines for Supervising Licensed Assistants and the document outlining the differences in qualifications between the Board Rules and the American Speech-Language-Hearing Association Criteria for Registration of Speech-Language Pathology Assistants; discussed scope of practice issues relating to Early Childhood Intervention, newborn hearing screening, administration of achievement/intelligence testing, endoscopy, dysphagia, and bilingual testing; discussed public school practice; and considered possible changes to the Texas Occupations Code and the Board Rules.

Ms. Sancibrian moved to approve the Guidelines for Supervising Licensed Assistants, Ms. Campbell seconded, and the motion carried.

Ms. Sancibrian moved to approve the document outlining the differences in assistant qualifications between the Board Rules and the American Speech-Language-Hearing Association, Ms. Chambers seconded, and the motion carried.

Ms. Sancibrian moved to adopt the report, Doctor Carlson seconded, and the motion carried.

AUDIOLOGY SCOPE OF PRACTICE COMMITTEE REPORT:

Doctor Carlson, as acting Presiding Officer, reported on the meeting held June 14, 2001. The Committee approved the report of the January 11, 2001, meeting; received a presentation by Ms. Joy O'Neal, TDH, on the newborn hearing screening program; recommended acceptance of newborn hearing screening and amplification device candidacy determination audiological evaluation; considered possible changes to Board Rules; and considered a possible meeting with the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments.

Doctor Carlson moved to endorse the American Academy of Audiology's position statement on the Role of an Audiologist in the Newborn Hearing Screening Program and the Joint Committee on Infant Hearing 2000 Position Statement, "Principles and Guidelines for Early Hearing Detection and Intervention Programs", Ms. Chambers seconded, and the motion carried.

Doctor Carlson moved to accept the guideline statement regarding the need for an amplification device candidacy determination audiological evaluation, Ms. Campbell seconded, and the motion carried.

Doctor Carlson moved to accept the report, Doctor Komet seconded, and the motion carried.

RULES COMMITTEE REPORT:

Doctor Reeves reported on the meeting held June 14, 2001. The Committee approved the report of the January 11, 2001, meeting; recommended final adoption to §741.1 and §741.41, a proposed amendment to §741.82, and several amendments to be added to the Board Rules "hit list".

Doctor Reeves moved to approve the Order Adopting a Rule and final rule amendments to §741.1 and §741.41, Ms. Chambers seconded, and the motion carried.

Doctor Reeves moved to approve the proposed rule change to §741.82 concerning issuance of an intern license to the student enrolled in an "Au.D." program, Ms. Chambers seconded, and the motion carried.

The following items are to be added to the Board's "hit list" for future amendments to 22 TAC, Chapter 741 (Board Rules):

Doctor Reeves moved to amend §741.41 to require adherence to nationally accepted standards of practice, Ms. Sancibrian seconded, and the motion carried.

Doctor Reeves moved to amend §741.65(h)(4)(E) to specify routine tests that may be administered by an assistant, Doctor Carlson seconded, and the motion carried.

Doctor Reeves moved to amend §741.65(h) to prohibit an assistant from performing certain procedures; Ms. Chambers seconded; and the motion carried.

Doctor Reeves moved to amend §741.112 to remove the requirement that the application and registration forms be notarized, Ms. Campbell seconded, and the motion carried.

Doctor Reeves moved to amend §§741.62, 741.65, 741.82, 741.85, and 741.161 to no longer require the submission of the supervisory acceptance form at the time of renewal; Ms. Chambers seconded; and the motion carried. The Board shall determine when the form should be submitted at a later date.

The Texas Occupations Code, §401.304, defines coursework required. It was agreed that this language be removed during the Sunset Review process. **Doctor Reeves made a motion to add this item to the Sunset Review "hit list", Ms. Campbell seconded, and the motion carried.** If the Legislature agrees, rules amendments to §§741.61, 741.62, 741.64, 741.81, 741.82, 741.84, and 741.112 will be necessary.

Doctor Reeves moved to accept the report, Ms. Campbell seconded, and the motion carried.

BOARD ORDER:

The Board discussed the Agreed Order relating to a two-month surrender of the speech-language pathology license held by E.W. **Ms. Chambers moved to accept the order, Ms. Sancibrian seconded, and the motion carried.**

BOARD PRESENTATION:

The Board discussed the questions asked during the Texas Speech-Language-Hearing Association 2001 Convention and the Frequently Asked Questions listed on the Board's Internet site. It was agreed that questions and answers should be reviewed at least every two years to ensure they remain relevant. At the next scheduled meetings questions relating to speech-language pathology shall be considered by the Speech Language Pathology Scope of Practice Committee, questions relating to audiology and fitting and dispensing of hearing instruments shall be considered by the Audiology Scope of Practice Committee, and all miscellaneous questions shall be considered by the Rules Committee.

BOARD POLICIES:

Ms. Cardenas-Hagan previously assigned Board members to review specific sections of the Board Policies to be discussed at today's meeting. Due to lack of time, it was agreed that this item be returned to the agenda for the next scheduled meeting.

Comments should be forwarded to Ms. Cawthon before the next meeting. She will incorporate them and those received from Mr. Richards into the existing policies for the Board's review. It was agreed that Board policies, guidelines, and position statements be reviewed every three years.

Concerns were expressed concerning how individuals should conduct him or herself during a meeting, present information to the Board, comment on a specific topic under discussion during a meeting, or petition for a rule change. Doctor Carlson agreed to prepare an information sheet for the Board's review before the next scheduled meeting. The information could then be made available at scheduled Board and Committee meetings, state association meetings, and be given to new Board members during orientation.

BOARD'S DESIGNEE:

The role of the Board's designee and whether the designee's decision should be ratified by the Board was discussed. **Ms. Campbell made a motion to not delay issuance of new or renewed licenses, if that were the case, but each designee would maintain a record of decisions made and submit a report at the next scheduled Board meeting, Ms. Chambers seconded, and the motion carried.** It was not necessary that the decisions be ratified.

NEWSLETTER:

Doctor Komet made a motion to no longer contract for the editor of the Board's newsletter, Mr. Lyon seconded, and the motion carried. Presiding officers of the Board and Committees shall prepare articles for the newsletter. Ms. Sancibrian shall review the draft newsletter.

NATIONAL COUNCIL:

The National Council of State Boards of Examiners for Speech-Language Pathology and Audiology will soon hold elections for President-Elect and Board of Directors. Doctor Gene Powers had represented the Board as a Director but resigned recently due to health problems. He previously suggested Ms. Campbell consider the position. Ms. Campbell stated she'd like more information before committing herself. When the ballot is received, the Board office shall mail one to each member. Ms. Cawthon shall tally the votes and submit the ballot to the Council.

FEES/BUDGET:

Ms. Debbie Peterson, Assistant Division Director, TDH Professional Licensing and Certification, and Doctor Jim Zukowski, Division Director, were unable to attend due to previous commitments. Ms. Peterson did prepare the Board's expenditures through March 2001, a seven-month period. The expenditure rate was 61.9%. Ms. Cawthon stated any questions could be forwarded to Ms. Peterson.

All members present expressed an interest in attending the Council on Licensure, Enforcement and Regulation (CLEAR) Conference to be held September 13-15 in San Antonio.

Doctor Carlson and Doctor Reeves wished to attend the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology (NCSB) Annual Convention to be held October 18-20, 2001 in Pittsburgh, Pennsylvania.

In addition, the Texas Academy of Audiology (TAA) Convention will be held in Austin on November 2-3, 2001. Board and Committee meeting shall be scheduled to coincide with the TAA meeting.

CONTINUING EDUCATION:

Requests were received from the University of Texas Health Science Center at San Antonio and the Texas Academy of Audiology requesting approval as continuing education sponsors. **Ms. Chambers moved to approve both as continuing education sponsors, Ms. Campbell seconded, and the motion carried.** Doctor Carlson and Mr. Lyon recused themselves because they are members of the Texas Academy of Audiology Board of Directors. Doctor Komet opposed the approval of the Texas Academy of Audiology as a continuing education sponsor.

The Board considered on-line continuing education. The problem is not the content of the event but the verification process. **Doctor Komet moved to accept the event if the licensee receives the appropriate verification from the Board approved sponsor, Mr. Lyon seconded, and the motion carried.** Ms. Cawthon will request the American Speech-Language-Hearing Association and the American Academy of Audiology mail sample verification forms they provide to on-line participants.

The Board briefly discussed independent and journal studies as continuing education. A licensee complained that she was not notified in advance that the sponsor she contacted only approved independent study courses for their membership. She was not a member. Since licensees are responsible for obtaining appropriate continuing education, the Board agreed no changes were required.

The Board recessed at 11:10 a.m. and reconvened at 11:20 a.m.

Doctor Carlson asked if a method to evaluate college/university course work and awarding of partial credit could be developed. She agreed to prepare the guidelines before the next meeting for the Board's review by utilizing the Board Rules and the Board policy dated December 5, 1997.

LEGISLATIVE REVIEW:

Mr. Richards provided a brief overview of the legislation passed during the 77th Legislative Session that would impact the Board. Included were bills that regulate the practice of licensees on the Internet; require the Health Professions Council to study complaint procedures; require posting on Internet sites-prohibiting release of email address of public without permission; recodification of occupation codes; and imposition of administrative, civil, and criminal penalties and the authorization of emergency suspension of licenses. Other legislation increased lodging to \$80 and per diem to \$30, effective September 1, 2001.

TAA CONVENTION:

The Board agreed to host a presentation followed with a question and answer type session at the Texas Academy of Audiology Convention to be held November 2, 2001, in Austin.

ASHA STANDARDS:

The Board briefly discussed the American Speech-Language-Hearing Association's Standards and Implementation for Professional Service Programs in Audiology and Speech-Language Pathology, effective January 1, 2002. It was agreed no action was required.

PRESIDING OFFICER'S REPORT:

Ms. Cardenas-Hagan thanked the members for allowing her to serve. She stated it has been a learning experience and privilege.

EXECUTIVE SECRETARY'S REPORT:

Ms. Cawthon updated the Board on elimination of partial per diem, the independent board chairs meeting scheduled for June 29th, Medicaid/Medicare contact information, and the information available on the Board's web page.

PUBLIC COMMENTS:

Ms. Mary Cole, Texas Education Agency, was present and discussed telemedicine. She stated Delaware requires separate licenses to practice on E-commerce.

ELECTION OF BOARD OFFICERS:

Ms. Chambers moved that Lee Reeves be elected Secretary/Treasurer, Doctor Komet seconded, and the motion carried.

Doctor Reeves moved that Judith Chambers be elected Vice-Presiding Officer, Ms. Campbell seconded, and the motion carried.

Ms. Chambers moved that Cheryl Sancibrian be elected Presiding Officer, Doctor Carlson seconded, and the motion carried.

NEXT MEETING DATE:

It was agreed to hold the next meetings in conjunction with the Texas Academy of Audiology Conference in Austin. The next Committee meetings are scheduled for November 1-2, 2001, and the Board meeting is scheduled for November 2, 2001.

ADJOURNMENT:

Ms. Campbell moved to adjourn at 12:00 noon, Mr. Lyon seconded, and the motion carried.

Elsa Cardenas-Hagan, Presiding Officer

Lee Reeves, Secretary-Treasurer

Dorothy Cawthon, Executive Secretary

STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
COMPLAINTS COMMITTEE REPORT

Thursday, June 14, 2001, 8:00 a.m.
Embassy Suites Austin North
5901 North IH 35, Board Room 830
Austin, Texas 78744
(512) 834-6627

CALL TO ORDER:

The meeting was called to order at 8:10 a.m. Committee members Bertha Moore Campbell, Deborah L. Carlson, and Judith A. Chambers were present. Department staff included Lanell Brown, Dorothy Cawthon, and David Richards.

REPORT:

The Committee reviewed the report of the meeting held January 11, 2001. **Ms. Campbell moved that the report be adopted as written and the motion carried**

OPEN COMPLAINTS:

The Committee discussed the following complaints with action taken as stated:

01-SA-0001: The anonymous complainant alleged the respondent, a licensed assistant, performed activities strictly prohibited by the Board such as attending ARD meetings with the purpose of writing IEP's. The Committee reviewed the investigative report that showed the respondent signed "agree" on the ARD form for signatures of committee members and other participants. The complaint was **closed** because there was no actionable violation. A letter of advisement shall be mailed to the respondent informing her she may sign the form if she is present but she may not "agree" or "disagree". The letter shall also be mailed to the respondent's supervisor and the special education director for the district. The Committee also asked that this information be included in the next issue of the Board's newsletter.

01-SA-0004: The complainant alleged the respondent submitted a resume implying she held credentials as an audiologist when she did not. The Committee reviewed the investigative report and **closed** the complaint because the Board has no jurisdiction. The respondent shall be notified that it is a violation of the Texas Occupations Code, §401.301, to practice or represent oneself as a licensed audiologist without holding a valid license issued by this Board.

01-SA-0005 and 01-SA-0006: These two complaints were filed against a speech-language pathologist and an assistant in speech-language pathology. The alleged violation related to the assistant conducting dysphagia therapy. The investigative report did not produce evidence which would substantiate the assistant possessed knowledge and professional skills of dysphagia therapy, or that the supervisor accurately documented appropriate training and competence. This is a violation of Board Rules, §741.41(b)(4)-(5) and (i). The Committee shall send a letter of

advisement to the supervisor with a copy to the assistant and director of the medical center requesting the assistant cease providing this service unless it could be demonstrated that safeguards were in place to insure no harm to patients. In addition, the Committee shall recommend that the Board initiate rulemaking to prohibit an assistant from providing any invasive procedure. The complaints were **closed**.

01-SA-0007: The complainant, a special education director, submitted a letter stating she had directed the speech-language pathologist and the assistant being supervised that the assistant's duties could be expanded to allow participation in ARD's without the supervisor being present. In addition she stated that appropriate supervision was not conducted for over two months. The complainant stated she misunderstood the Board's directive dated December 31, 1997, that allowed an assistant to attend ARD's without the supervisor being present for very limited purposes. The directive also stated all other rules relating to the practice of an assistant would be strictly enforced. The investigative report did substantiate violations of Board rules, §741.41(a)(4) and (9) and §741.65(e)-(f) in that the supervisor did not provide appropriate supervision and allowed the assistant to perform prohibited duties. The Committee shall recommend that **reprimands** be issued to both the speech-language pathologist and the assistant. The special education director shall be advised to reschedule all the ARD's because decisions were made concerning student services that an assistant may not make.

01-SA-0008: The complainant alleged the respondent practiced audiology without a license, a violation of the Texas Occupations Code, §401.301. The investigative report provided a statement from a medical doctor that the respondent practiced under his supervision. It appears that there may be a violation of 19 T.A.C., Part II, Texas Education Agency, Chapter 89, Adaptations for Special Populations, §89.211(c) which requires that an audiological evaluation by a certified audiologist be conducted, in addition to a otological examination performed by an otologist or a licensed medical doctor with documentation that an otologist is not reasonably available. The complaint was **closed** with a letter of advisement to the respondent and a copy to the school district and the medical doctor.

01-SA-0009: The complainant alleged she received a cheaper model of hearing instrument than what she purchased. In addition she was not satisfied with the programming. The investigative report did confirm the complainant had received the correct hearing instrument. The complaint was **closed** because the complainant seems to be satisfied that she does have the correct instrument; however, she still believes that the initial programming was not appropriate.

01-SA-0012: The complainant alleged failure to complete evaluations and weekly progress notes in a timely manner. The investigative report substantiated a violation of the Board's Code of Ethics, §741.41(a)(1)(A)(v). The respondent shall be mailed a **Notice of Violation** letter proposing a two-year probated suspension that requires her practice be under supervision and that quarterly reports be submitted. The reports shall verify that scheduled therapy was conducted, she completed documentation in a timely manner, and she maintained accurate records. She shall also be required to renew the license promptly.

01-SA-0013: The respondent notified the Board office that when she completed the Renewal Form on December 8, 2000, she stated she had earned the required continuing education hours

necessary for license renewal. Subsequently, the license was renewed. On January 22, 2001, she submitted a letter stating she had not earned the hours and returned the renewed license. Her initial response on the Renewal Form is a violation of Board Rules, §741.162 (11-12). The Committee determined that in light of the fact that she admitted her mistake and took additional continuing education hours in order to renew the license, no disciplinary action was necessary at this time and **closed** the complaint. The respondent shall be notified to study the Act and Board Rules to avoid future violations.

01-SA-0014: The respondent had not renewed the speech-language pathology license but continued to practice after expiration of the 60-day grace period. Her practice from January 1, 2001 to January 25, 2001 is a violation of the Texas Occupations Code, §401.301. The Committee shall recommend the Board issue a **reprimand**. A copy of the reprimand shall also be mailed to the respondent's employer.

01-SA-0015: The respondent submitted the Renewal Form stating she had earned the required continuing education hours for license renewal in October 1999 when she either did not earn the hours or maintained proof of earning the hours. This is a violation of Board Rules, §741.162(l)-(m). The respondent signed a Letter of Agreement on February 14, 2001, agreeing to earn an additional 20 hours of continuing education before October 31, 2001 and to submit the CE log and proof for renewals during years 2001, 2002, and 2003. The Committee shall recommend the Board issue a **reprimand** and accept the conditions of the Letter of Agreement.

01-SA-0016: The respondent had not renewed the speech-language pathology license but continued to practice after expiration of the 60-day grace period. Her practice from July 1, 2000 to February 26, 2001 is a violation of the Texas Occupations Code, §401.301. The Committee shall recommend the Board issue a **reprimand**. A copy of the reprimand shall also be mailed to the respondent's employer.

01-SA-0017: The respondent submitted the Renewal Form stating she had earned the required continuing education hours for license renewal in December 1998 when she either did not earn the hours or maintained proof of earning the hours. This is a violation of Board Rules, §741.162(l)-(m). The respondent signed a Letter of Agreement on February 26, 2001, agreeing to earn an additional 20 hours of continuing education before December 31, 2001 and to submit the CE log and proof for renewals during years 2001, 2002, and 2003. The Committee shall recommend the Board issue a **reprimand** and accept the conditions of the Letter of Agreement.

01-SA-0018: The respondent had not renewed the audiology license but continued to practice after expiration of the 60-day grace period. Her practiced from February 1, 2000 to February 10, 2000 and from July 1, 2000 to February 26, 2001 are violations of the Texas Occupations Code, §401.301. Because this is the second time the respondent practiced with an invalid license, she was mailed a Letter of Agreement that requires additional continuing education hours be earned. She signed the agreement on April 12, 2001. The Committee shall recommend the Board issue a **reprimand** and accept the conditions of the Letter of Agreement. A copy of the reprimand shall also be mailed to the respondent's employer.

01-SA-0019: The respondent had not renewed the audiology license but continued to practice after expiration of the 60-day grace period. His practice from December 1, 2000 to March 13, 2001 is a violation of the Texas Occupations Code, §401.301. The Committee shall recommend the Board issue a reprimand. A copy of the **reprimand** shall also be mailed to the respondent's employer.

01-SA-0021: The respondent had not renewed the audiology license and the fitting and dispensing of hearing instruments registration but continued to practice after expiration of the 60-day grace period. Her practice from February 1, 2001 until May 31, 2001 is a violation of the Texas Occupations Code, §401.301. Because of her flagrant disregard for the Act and Board Rules, the respondent shall be mailed a **Notice of Violation** letter proposing revocation of the audiology license and the fitting and dispensing of hearing instruments registration. She shall also be notified that the Committee proposes settlement terms by which the revocations could be probated over a one-year period during which the respondent would practice under supervision and earn an additional 20 hours of approved continuing education.

01-SA-0024: The respondent had not renewed the assistant in speech-language pathology license but continued to practice after expiration of the 60-day grace period. Her practice from April 1, 2001 until May 22, 2001 is a violation of the Texas Occupations Code, §401.301. The Committee shall recommend the Board issue a **reprimand**. A copy of the reprimand shall also be mailed to the respondent's employer.

01-SA-0025: The respondent submitted the Renewal Form stating he had earned the required continuing education hours for license renewal in March 1999 and March 2000 when he either did not earn the hours or maintained proof of earning the hours. This is a violation of Board Rules, §741.162(l)-(m). The respondent signed a Letter of Agreement on June 2, 2001, agreeing to earn an additional 20 hours of continuing education before March 31, 2002 and to submit the CE log and proof for renewals during years 2002, 2003, and 2004. The Committee shall recommend the Board issue a **reprimand** and accept the conditions of the Letter of Agreement.

01-SA-0020, 01-SA-0022, and 01-SA-0023: These complaints are **pending**, awaiting the receipt of the investigative reports.

SCHEDULE OF SANCTIONS GUIDELINES:

Due to lack of time, the Committee was unable to review the draft and asked that the item be placed on the agenda for the next scheduled meeting.

POSSIBLE AMENDMENTS TO RULES/ACT:

The Board is maintaining a "hit list" of possible additions, amendments, and repeals to the Texas Occupations Code to be considered during the Sunset Review process. A list of possible changes to the Board Rules is also being maintained for a year or so before submission to the Texas Register.

As a safeguard measure, the Committee considered an amendment to prohibit an assistant from performing invasive treatment procedures. Ms. Chambers shall recommend that the Speech-

Language Pathology Scope of Practice Committee prepare appropriate language to amend §741.65 of the Board Rules.

Mr. Richards asked the Committee to consider an amendment to the Texas Occupations Code, §401.206 to add the Texas Department of Health Office of General Council. The Committee agreed.

ITEMS FOR NEXT MEETING:

The Committee agreed to develop an examination as a disciplinary tool and to consider language relating to administrative penalties and emergency suspension. Because these items will require a lengthy discussion, it was agreed to scheduled a Complaints Committee meeting for some time prior to the next scheduled meeting. At this meeting, the Schedule of Sanctions Guidelines for Specific Violations could also be reviewed.

ADJOURNMENT:

Doctor Carlson moved to adjourn at 10:25 a.m. and the motion carried. This report shall be presented to the full Board at the meeting scheduled for June 15, 2001.

Judith A. Chambers, M.Ed.
Committee Presiding Officer

**STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
SPEECH-LANGUAGE PATHOLOGY SCOPE
OF PRACTICE COMMITTEE REPORT**

Thursday, June 14, 2001, 10:30 a.m.

Embassy Suites Austin North

5901 North IH 35, Board Room 830

Austin, Texas 78744

(512) 834-6627

CALL TO ORDER:

The meeting was called to order at 10:45 a. m. with Committee members Bertha Moore Campbell, Elsa Cardenas-Hagan, Lee Reeves, and Cheryl L. Sancibrian present. Department staff included Lanell Brown, Dorothy Cawthon, and David Richards.

REPORT:

The Committee reviewed the report of the meeting held January 11, 2001. **Doctor Reeves moved that the report be adopted as written and the motion carried.**

GUIDELINES/POLICIES:

The Guidelines for Supervising Licensed Assistants to aid licensed speech-language pathologists in determining appropriate levels of supervision to ensure best practices was discussed. The Committee shall recommend the Board approve the revised guidelines and make them available on the Board's Internet site, to the Texas Education Agency Regional Service Centers, and any other stakeholders.

The document outlining the differences between the American Speech-Language-Hearing Association's Criteria for Registration of Speech-Language Pathology Assistants and the Board Rules was discussed. The Committee shall recommend the Board approved the revised outline and make the document available on the Board's Internet site.

The Committee discussed the American Speech-Language-Hearing Association's new Standards for the Certificate of Clinical Competence in speech-language pathology and agreed no further action was warranted at this time.

SCOPE OF PRACTICE ISSUES:

Early Childhood Intervention (ECI) - Concerns about the use of "developmental rehabilitation therapy" by ECI were discussed. Ms. Sancibrian agreed to obtain additional information and prepare a question and answer type response for the Board's Internet site. The response shall also be mailed to Ms. Mary Elder, ECI, with a request that she distribute the response to the ECI Program Directors.

Newborn hearing screening - Licensees had questions relating to the speech-language pathologist's role in administration of otoacoustic emissions (OAE) and auditory brainstem

response (ABR) screenings. It was agreed that the Board Rules, §741.33 relating to Newborn Hearing Screening is sufficient and that the licensed speech-language pathologist must determine if he or she has the competence to perform the screenings.

Administration of achievement/intelligence testing - It was agreed that the information previously distributed was accurate. A licensed speech-language pathologist may not perform any procedure if he or she lacks the training, experience, and competence to perform the service.

Endoscopy - This procedure is not addressed in the Act or Board Rules. Licensees shall be referred to accepted professional practice guidelines (e.g., American Speech-Language-Hearing Association position statements).

Dysphagia - This item shall be returned to the agenda for the next scheduled meeting to develop a Board policy.

Bilingual testing performed by an assistant - This is not a rule violation but because this is a fairly complicated test, concerns were expressed. As with all assessment measures, the supervising speech-language pathologist must determine whether the test publisher's guidelines require the examiner to possess a graduate degree. This may be reconsidered at a later date.

IDEA:

The Committee reviewed the dates the Texas Education Agency and the U.S. Department of Education Office of Special Education Programs will host public meetings to gather information relating to implementation of the federal Individuals with Disabilities Education Act (IDEA) Part B. Ms. Sancibrian may attend the hearing in Lubbock.

PUBLIC SCHOOL PRACTICE:

The Committee briefly discussed the upgrading of credentials for school speech-language pathologists and agreed that all future inquiries received by the Board office should be forwarded to the Texas Education Agency.

Mary Cole, Texas Education Agency, requested that information relating to Dialect Sensitive Language Testing be included on the Board's Internet site. It was agreed this was not an appropriate item for the Board's website. Ms. Cole shall be informed she may contact the Texas Speech-Language-Speech-Hearing Association and request they include this information on their website.

The Committee considered the practice of an educational diagnostician. Ms. Sancibrian shall prepare a question and answer document relating to the role of an educational diagnostician and reference Chapter 14.11, and the Texas Education Agency District Effectiveness and Compliance (DEC). The question and answer document will be distributed via the Board's newsletter and website.

POSSIBLE AMENDMENTS TO RULES/ACT:

The Board is maintaining a "hit list" of possible additions, amendments, and repeals to the Texas Occupations Code to be considered during the Sunset Review process. A list of possible changes to the Board Rules is also being maintained for a year or so before submission to the Texas Register.

It was agreed that language in the Texas Occupations Code relating to the number of semester hours required in order to qualify for a license be removed. This number should be determined by the colleges or universities accredited by the American Speech-Language-Hearing Association so that a consistent national standard is maintained.

Ms. Chambers, the presiding officer of the Complaints Committee, recommended an amendment to the Board Rules, §741.65 relating to the Requirements for an Assistant in Speech-Language Pathology License, to prohibit an assistant from performing invasive treatment procedures. The Speech-Language Pathology Scope of Practice Committee agreed this was necessary as a safeguard measure and prepared a list of the procedures that would be prohibited. The preliminary list includes conducting feeding/swallowing evaluations and demonstrating swallowing techniques to patients or caregivers. It was also agreed that §741.65(h)(5) be amended to include other procedures that the American Speech-Language-Hearing Association prohibits an assistant from performing (e.g. providing patient/family counseling and signing any formal documents).

ITEMS FOR NEXT MEETING:

The Committee shall develop Guidelines for Supervising Licensed Interns and a policy on dysphagia assessment and treatment.

ADJOURNMENT:

Ms. Cardenas-Hagan moved to adjourn at 12:35 p.m. and the motion carried. The report shall be presented to the full Board at the meeting scheduled for June 15, 2001.

Cheryl L. Sancibrian, M.S.
Committee Presiding Officer

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SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AUDIOLOGY SCOPE OF PRACTICE
COMMITTEE REPORT

Thursday, June 14, 2001, 1:00 p.m.
Embassy Suites Austin North
5901 North IH 35, Board Room 830
Austin, Texas 78744
(512) 834-6627

CALL TO ORDER:

The meeting was called to order at 1:50 p.m. with Committee members Deborah L. Carlson, Harvey Komet, and Matthew H. Lyon present. Department staff included Lanell Brown, Dorothy Cawthon, and David Richards. Board members Bertha Moore Campbell, Elsa Cardenas-Hagan, Judith A. Chambers, Lee Reeves, and Cheryl L. Sancibrian attended the meeting as guests. Because the Committee presiding officer R. Eric Reynolds was unable to attend, he appointed Doctor Carlson to assume that role.

REPORT:

The Committee reviewed the report of the meeting held January 11, 2001. **Mr. Lyon moved that the report be adopted as amended, Doctor Komet seconded, and the motion carried.**

PRESENTATION:

Ms. Joy O'Neal, Texas Department of Health (TDH), presented information on the progress of the Newborn Hearing Screening Program. She stated of the 186 birthing facilities, 80 are exempted facilities and about 50 have chosen to participate in the program. One area of concern is the high referral rate believed due to insufficient training of the screeners. Ms. O'Neal gave members copies of the Texas Newborn Hearing Screening and Sounds of Texas brochures. Additional copies may be order for distribution.

GUIDELINES/POLICIES:

Mr. Lyon moved to recommend the Board endorse the American Academy of Audiology's position statement on the Role of an Audiologist in the Newborn Hearing Screening Program as printed in Volume 12, Number 3, May/June 2000 Audiology Today, and the Joint Committee on Infant Hearing (JCIH) 2000 Position Statement, "Principles and Guidelines for Early Hearing Detection and Intervention Programs" as printed in the American Journal of Audiology, Volume 9, 929, June 2000; Doctor Komet seconded; and the motion carried.

Mr. Lyon moved to recommend the Board adopt a guideline statement regarding the need for an amplification device candidacy determination audiological evaluation, Doctor Komet seconded, and the motion carried.

RULE AMENDMENTS:

Seventeen colleges and universities are now in some stage of awarding a Doctor of Audiology (Au.D.) degree. Students will not receive a master's degree. Part of the curriculum for the doctoral degree includes completion of an internship. The proposed amendment would allow the students to obtain an intern license after all academic course work and clinical experience requirements defined in §741.81 are met. **Mr. Lyon moved to recommend the Rules Committee consider an amendment to §741.82, relating to Requirements for an Intern in Audiology License, Doctor Komet seconded, and the motion carried.** It is imperative that the rule become effective as quickly as possible; therefore, the amendment shall not be added to the "hit list" but submitted to the Texas Register now.

No comments were received concerning the proposed rules published in the March 2, 2001, issue of the Texas Register, (26 TexReg 1824). **Mr. Lyon moved to recommend the Rules Committee accept the amendments to §§741.1 and 741.41 as final, Doctor Carlson seconded, and the motion carried.**

FITTING/DISPENSING OF HEARING INSTRUMENTS:

Mr. Lyon informed the Committee on the issues relating to the fitting and dispensing of hearing instruments as it relates to the authority granted by the Texas Occupations Code, Chapter 401 and 402. During the hearings conducted by the Senate Committee on Nominations, Senator Leticia Van De Putte, voiced concerns about differences in rules between this Board and the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments that may be confusing to consumers. He stated he contacted Mr. Michael Shobe, President, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments, and suggested a meeting but Mr. Shobe declined. It was agreed that Mr. Lyon send another letter to Mr. Shobe stating the Committee would be willing to meet with them at any time.

Mr. Richards stated the legal opinion concerning the Texas Occupations Code, Chapter 402 is on "hold" awaiting additional information.

ADJOURNMENT:

Mr. Lyon moved to adjourn at 3:15 p.m., Doctor Komet seconded, and the motion carried. The report shall be presented to the full Board at the meeting scheduled for June 15, 2001.

Deborah L. Carlson, Ph.D
Acting Committee Presiding Officer

STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
RULES COMMITTEE REPORT

Thursday, June 14, 2001, 3:00 p.m.
Embassy Suites Austin North
5901 North IH 35, Board Room 830
Austin, Texas 78744
(512) 834-6627

CALL TO ORDER:

The meeting was called to order at 3:35 p.m. with Committee members Elsa Cardenas-Hagan, Matthew H. Lyon, and Lee Reeves present. Department staff included Lanell Brown, Dorothy Cawthon, and David Richards. Bertha Moore Campbell, Deborah L. Carlson, Judith A. Chambers, and Harvey Komet were present as guests.

REPORT:

The Committee reviewed the report of the meeting held January 11, 2001. **Mr. Lyon moved that the report be adopted as written, Doctor Reeves seconded, and the motion carried.**

FINAL RULES:

Doctor Deborah Carlson requested that the Rules Committee recommend adoption of the Order and final rule amendments to 22 T.A.C., §741.1 and §741.41, published in the March 2, 2001, issue of the Texas Register. **Mr. Lyon moved to recommend adoption, Doctor Reeves seconded, and the motion carried.**

PROPOSED AMENDMENTS:

The Committee shall recommend the amendment to §741.82 relating to issuance of an intern license to a student enrolled in a "Au.D." accredited college/university program be forwarded to the Texas Register as soon as possible.

Following discussion, it was agreed to recommend the following amendments be added to the Board's "hit list" for rule amendments:

- §741.112 relating to removal of the notary requirements from the Board's application and registration forms. This removal is in anticipation of future issuance of new and renewal licenses utilizing the Internet.
- §§741.62, 741.65, 741.82, 741.85, and 741.161 relating to removal of the requirement that an intern and assistant submit supervisory acceptance forms when renewing the license. At the present time an intern and assistant must submit the supervisory acceptance form when applying for a license, when renewing a license, or with a change in supervisor. It was agreed that requiring submission at the time of renewal be removed from the renewal process. This will be necessary once renewals are processed on the Internet. However, it was also agreed that another method to monitor supervision was

necessary and the Speech-Language Pathology Scope of Practice Committee and the Audiology Scope of Practice Committee shall discuss this issue at a later date.

- §741.65 relating to administration of routine tests by assistants. It was agreed that the following language be added to §741.65(h)(4)(E): "as long as the test publisher does not specify that the test be conducted by a master's degreed speech-language pathologist".
- §741.65(h) relating to services an assistant may not perform. It was agreed language should be added to prohibit an assistant from counseling with the family of a client, sign formal documents, or perform invasive procedures because an assistant does not have the education or experience to perform these services.
- §741.41 relating to licensees adhering to nationally accepted standards of practice. It was agreed this language was necessary because the practices of speech-language pathology and audiology are constantly changing. Licensees should obtain additional education and/or training before performing new procedures and adhere to nationally accepted standards of practice in order to safeguard their clients' health.

The Committee also discussed §401.304 of the Texas Occupations Code. The Texas Occupations Code requires that an applicant possess at least a master's degree from a program accredited by the American-Speech-Language-Hearing Association (ASHA). ASHA has guidelines in place for maintaining accreditation of the college or university attended. This oversight ensures applicants meet a national standard. It was agreed that the following language is not needed and the Committee shall recommend the Board add this item to the Sunset Review "hit list":

- delete the phrase "in amounts set by the board in:" at the end of paragraph (a)(2);
- delete subparagraphs (a)(2)(A)-(C);
- delete paragraph (a)(3);
- delete subparagraphs (a)(3)(A)-(B).

Should the Legislature remove this language, §§741.61, 741.62, 741.64, 741.81, 741.82, 741.84, and 741.112 of Board Rules must be amended.

ADJOURNMENT:

Ms. Cardenas-Hagan moved to adjourn at 3:55 p.m., Mr. Lyon seconded, and the motion carried. The report shall be presented to the full Board at the meeting scheduled for June 15, 2001.

Lee Reeves, D.V.M.
Committee Presiding Officer